

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ENRIQUE TREVINO, JR.,

Plaintiff,

v.

BANK OF NEW YORK MELLON,

Defendants.

Case No. 2:13-cv-01925-MMD-NJK

ORDER

(Def's Motion to Dismiss – dkt. no. 6)


Defendant Bank of New York Mellon filed a Motion to Dismiss (“Motion”) under Fed. R. Civ. P. 12(b)(6) on October 24, 2013. (Dkt. no. 6.) The opposition was due by November 10, 2013. As of the date of this order, Plaintiff Enrique Trevino, Jr. has not submitted an opposition to the Motion. Further, Plaintiff has not contacted the Court or submitted any filings since this case was removed on October 21, 2013. (See dkt. no. 1.) Defendant submitted a notice of non-opposition and asks the Court dismiss this action with prejudice. (Dkt. no. 13.)

Failure to file points and authorities in opposition to a motion constitutes consent that the motion be granted. L.R. 7-2(d); *see also Abbott v. United Venture Capital, Inc.*, 718 F. Supp. 828, 831 (D. Nev. 1989). The Court has reviewed the Motion and the Complaint. While allegations of a *pro se* complainant are held to less stringent standards than formal pleadings drafted by lawyers, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the Court finds the Complaint is plainly deficient even under this lower standard and fails to state any claims on which relief may be granted. The Court notes that Plaintiff has not only failed to oppose the Motion, but has not sought leave to amend the Complaint in

1 response to the Motion. As the Motion is unopposed, and good cause appearing, the
2 Motion is granted.

3 It is therefore ordered that Defendant's Motion to Dismiss (dkt. no. 6) is granted
4 and this action is dismissed without prejudice.

5 ENTERED THIS 18th day of November 2013.

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9 MIRANDA M. DU
10 UNITED STATES DISTRICT JUDGE
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